

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0763/P1dn
RNK:wlj:md

December 11, 2008

This draft is based upon Senate Substitute Amendment 2 to 2007 Senate Bill 194. As you requested, this version of the draft delays the licensing requirement for 24 months after the effective date of the draft rather than 48 months. Please note these other changes:

1. I have added a provision that makes it clear that thermal system insulation in buildings that are constructed on the first day of the 19th month after the effective date of the draft must conform to the standards promulgated as rules by the Department of Commerce.
2. I have modified the language authorizing the Department of Commerce to directly assess a forfeiture. This change specifies minimum procedural and notice requirements rather than requiring the Department of Commerce to establish those requirements. Also, the modified language is consistent with other similar provisions in the statutes.
3. I have advanced the expiration dates for the initial terms of the members of the thermal system insulation council by two years.
4. Please note that under this draft, one way for a person to be licensed as a mechanic is for the person to meet the requirements established by the Department of Commerce by rule and to accumulate 1,000 hours of experience in each of four consecutive years installing and maintaining thermal system insulation under the supervision of a licensed mechanic. See proposed s. 101.136 (6) (c) 1. Because the draft does not require a person to have a license for approximately two years after the proposal takes effect, then it seems the earliest a person could qualify to become a mechanic under this provision is approximately six years after the proposal takes effect. Is this consistent with your intent?
5. Under s. 227.137, stats., the secretary of administration may require the Department of Commerce to prepare an economic impact report for proposed rules before the rules are submitted to the legislature for review. If the secretary of administration requires the Department of Commerce to prepare that report, the Department of Administration must review the proposed rules and the report and issue its own report, and the secretary of administration must approve the rules before

the Department of Commerce may submit the rules to the legislature. This process could lengthen the time it takes for the Department of Commerce to promulgate rules. I do not know if the secretary of administration would require the preparation of an economic impact report for the rules required under this proposal, but you may wish to consider establishing a longer delay for implementation of the standards and licensing requirements under the draft to ensure that the rules are promulgated before the proposed law would take effect.

The draft makes some other minor changes for the purpose of greater clarity and better organization. I have prepared this draft in preliminary form so that you have an opportunity to review these changes before the draft is finalized.

Please feel free to contact me if you have any questions with regard to this draft.

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